

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TROY D. HOLLENBECK,

Defendant.

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8:09CR251

ORDER

This matter is before the court on the oral motion to continue by defendant Troy D. Hollenbeck (Hollenbeck) made during a telephone conference with counsel for both sides and the undersigned magistrate judge on January 26, 2010. Hollenbeck seeks a continuance of the trial of this matter which is scheduled for February 1, 2010. Hollenbeck's counsel has represented to the court that Hollenbeck will submit an affidavit wherein Hollenbeck represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Hollenbeck's oral motion to continue trial is granted.
2. Trial of this matter is re-scheduled for **March 1, 2010**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **January 26, 2010 and March 1, 2010**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 26th day of January, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge